

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICHAEL PICARD,

Plaintiff,

– against –

DARCEL D. CLARK, in her official capacity
as District Attorney for Bronx County,
MICHAEL MAGLIANO, in his official
capacity as Chief of Public Safety for the New
York Unified Court System,

Defendants.

No. 19 Civ. 3059 (DLC)

**[PROPOSED] FINAL
JUDGMENT AND ORDER**

[PROPOSED] FINAL JUDGMENT AND ORDER

WHEREAS, in an Opinion and Order dated July 29, 2020 (Dkt. 49), the Court declared that New York Penal Law § 215.50(7) facially violates the First Amendment of the U.S. Constitution because it is a content-based restriction on speech in a traditional public forum that fails strict scrutiny, and concluded that its enforcement should be permanently enjoined;

It is hereby ORDERED that:

1. Final judgment is ENTERED in favor of Plaintiff and against Defendants, in accordance with the Court's July 29, 2020 Opinion and Order.
2. The Court DECLARES that New York Penal Law § 215.50(7) facially violates the First Amendment of the U.S. Constitution.
3. Defendants, their respective officers, agents, servants, employees and attorneys, and other persons in active concert or participation with defendants who receive actual notice of this Final Judgment and Order by personal service or otherwise, are PERMANENTLY

ENJOINED from enforcing N.Y. Penal Law § 215.50(7). The Court retains jurisdiction to enforce compliance with, and consider all issues arising from or in connection with, this injunction.

[Defendant Magliano proposes substituting the following language for the final sentence of proposed Paragraph 3: The Court retains jurisdiction over this action through final judgment, unless divested of jurisdiction by operation of law or court order.]

4. The Clerk of the Court is directed to CLOSE this case.

SO ORDERED.

Dated: _____

DENISE L. COTE
United States District Court Judge